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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,235

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Richard R. Haemerle

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EXAMINER

DUFFIELD, JEREMY S

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,235	<b>Applicant(s)</b> HAEMERLE, RICHARD R.	
	<b>Examiner</b> JEREMY DUFFIELD	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8, 10, 12, 14, 16, 74, 79, 80 and 83-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10, 12, 14, 16, 74, 79, 80 and 83-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 08 April 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the reference fails to teach "a device which...the virtual environment" (Page 15, lines 3-4), the examiner respectfully disagrees. Barnes teaches a display on the communications device that can present multiple forms of location-specific information including local points of interest on a map, thereby creating a virtual environment in which a user can interact with the information (Para. 99, 102, 393).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7, 8, 10, 12, 14, 16, 74, 79, 80, 83, 84, and 88 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnes (US 2003/0065805).

Regarding claim 1, Barnes teaches a system for providing information to a mobile user, (Para. 3, lines 1-5), comprising:

a unit, i.e. mobile phone/PDA (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit including a display portion for displaying said data to a user (Para. 37, lines 1-5) and an interface portion for receiving commands from said user (Para. 36, lines 1-3); and

a centralized database, i.e. service registry (Para. 80, lines 4-8) capable of transmitting and receiving data including informational and location positioning data, said centralized database being in electronic communication with said unit (Para. 162, lines 1-8);

wherein informational data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated unit location specific informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8; Para. 163, lines 1-9); and

wherein a virtual environment associated with at least some of the correlated unit location specific informational data can be displayed on said display portion, said unit being operable to allow a user to interact, via said interface portion, with a virtual environment depicted on said display portion, (Para. 37, lines 1-5; Para. 36, lines 1-8; Para. 99, 102, 393).

Regarding claim 2, Barnes further teaches the unit is in electronic communication with at least one global positioning system satellite for retrieving location positioning data (Para. 97, lines 1-8).

Regarding claim 3, Barnes further teaches signal transmission towers, i.e. mobile telephone network, in electronic communication with said centralized database and said unit for transmitting said location positioning data and said correlated unit location specific informational data between said centralized database and said unit (Para. 44, lines 16-19; Para. 162, lines 1-8). Barnes meets this limitation in the fact that signal transmission towers are included in a mobile telephone network.

Regarding claim 4, Barnes teaches the unit further comprises a microphone for use in transmitting audio data through said unit (Para. 36, lines 1-3) and a speaker for use in receiving audio data from said unit (Para. 37, lines 1-5).

Regarding claim 5, Barnes teaches the unit further comprises a digital camera mounted therein (Para. 123, lines 4-6).

Regarding claim 7, Barnes teaches the correlated unit location specific informational data transmitted from said database to said unit comprises

advertising data transmitted to said unit in response to data requested by said user from said database via said unit (Para. 80, lines 4-8; Para. 162, lines 1-8; Para. 157, lines 1-9).

Regarding claim 8, claim is analyzed with respect to claim 3.

Regarding claim 10, claim is analyzed with respect to claim 7.

Regarding claim 12, claim is analyzed with respect to claim 7.

Regarding claim 14, claim is analyzed with respect to claim 7.

Regarding claim 16, claim is analyzed with respect to claim 7.

Regarding claim 74, Barnes teaches a system for providing information to a mobile user (Para. 3, lines 1-5) comprising:

a unit, (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit including a display portion for displaying said data to said user (Para. 37, lines 1-5) and an interface portion for allowing said user to interact with said unit, and send commands to said unit, i.e. commands are sent

from the user to the communications device by using the keyboard, touch-screen, touch-pad, etc. (Para. 36, Para. 37);

a centralized database, (Para. 80, lines 4-8; Para. 81, lines 12-15) capable of transmitting and receiving data including informational and position location positioning data, said centralized database in electronic communication with said unit, wherein information data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated unit location specific informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8, Para. 163, lines 1-9);

a wireless network for allowing transmission of said correlated unit location specific informational data between said unit and said centralized database (Para. 44, lines 10-21; Para. 162, lines 1-8);

a microphone in electronic communication with said unit for transmitting audio data to said unit (Para. 36, lines 1-3);

a speaker in electronic communication with said unit for receiving audio information from said unit (Para. 37, lines 1-5); and

a digital camera mounted in said unit (Para. 123, lines 4-6);

wherein a virtual environment associated with at least some of the unit location specific informational data can be displayed on said display portion (Para. 37, lines 1-5; Para. 36, lines 1-8; Para. 99, 102, 393); and

wherein said unit is operable to allow a user to interact with a virtual environment displayed on said display portion via said interface portion of said unit, i.e. keyboard, touch pad, buttons, etc. (Para. 36, lines 1-8); and

further wherein said correlated unit location specific informational data transmitted between said centralized database and said unit is selected from the group consisting of advertising data (Para. 80, lines 4-8), telephone directory data (Para. 162, lines 1-8), travel planning data (Para. 166, lines 1-6), news service data (Para. 401, lines 1-15), digital image data (Para. 404, lines 1-13), and digital audio data (Para. 401, lines 1-15), and wherein said correlated unit location specific informational data is transmitted to said unit in response to data requested by said user from said database via said unit (Para. 162, lines 1-8; Para. 157, lines 1-9).

Regarding claim 79, claim is analyzed with respect to claim 75.

Regarding claim 80, claim is analyzed with respect to claim 76.

Regarding claim 83, claim is analyzed with respect to claim 81.

Regarding claim 84, Barnes teaches a wireless network for allowing transmission of data between said unit and said centralized database (Para. 44, lines 10-21; Para. 162, lines 1-8).

Regarding claim 88, Barnes teaches a system for providing information to a mobile user, (Para. 3, lines 1-5), comprising:

a unit, i.e. mobile phone/PDA (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit further capable of displaying said data to a user (Para. 37, lines 1-5) and receiving commands from said user (Para. 36, lines 1-3); and

a centralized database, i.e. service registry (Para. 80, lines 4-8) capable of transmitting and receiving data including informational and location positioning data, said centralized database being in electronic communication with said unit (Para. 162, lines 1-8);

wherein informational data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated unit location specific informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8; Para. 163, lines 1-9); and

wherein said correlated location specific informational data includes travel planning data, (Para. 30), where travel planning data includes data regarding at least three of the group consisting of a local hotel (Para. 135, 157, 195-204), local air travel schedules, a local air travel ticket (Para. 131, 204), a local bus travel ticket (Para. 204), a local train travel ticket, (Para. 204), and local points of

interest (Para. 154-157), such that said unit is adapted to receive travel planning data correlated with said unit location positioning data (Para. 30, 195, 157, 204).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 85, 86, 89, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Langseth (US 6,662,195).

Regarding claim 85, Barnes teaches a system for providing information to a mobile user, (Para. 3, lines 1-5), comprising:

a unit, i.e. mobile phone/PDA (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit further capable of displaying said data to a user (Para. 37, lines 1-5) and receiving commands from said user (Para. 36, lines 1-3); and

a centralized database, i.e. service registry (Para. 80, lines 4-8) capable of transmitting and receiving data including informational and location positioning data, said centralized database being in electronic communication with said unit (Para. 162, lines 1-8);

wherein informational data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated unit location specific informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8; Para. 163, lines 1-9).

Barnes does not clearly teach the correlated location specific informational data includes weather data.

Langseth teaches providing local weather data from a database to a mobile phone, pda, or other wireless device (Col. 9, lines 21-46; Col. 10, lines 30-46; Col. 12, lines 13-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnes' location specific informational data to include the local weather data taught by Langseth for the purpose of planning travel arrangements around adverse weather.

Regarding claim 86, Barnes in view of Langseth teaches the unit is adapted to receive world wide weather data in response to data requested by said user from said database via said unit, i.e. a user subscribes to the weather channel and receives weather information based on an entered time zone (Langseth-Col. 10, lines 30-46).

Regarding claim 89, Banes teaches a system for providing information to a mobile user, (Para. 3, lines 1-5), comprising:

a unit, i.e. mobile phone/PDA (Para. 34, lines 1-3), capable of transmitting and receiving informational data including location positioning data (Para. 43, lines 4-9; Para. 97, lines 1-12), said unit further capable of displaying said data to a user (Para. 37, lines 1-5) and receiving commands from said user (Para. 36, lines 1-3); and

a centralized database, i.e. service registry (Para. 80, lines 4-8) capable of transmitting and receiving data including informational and location positioning data, said centralized database being in electronic communication with said unit (Para. 162, lines 1-8);

wherein informational data stored in said database is correlated with location positioning data received by said database from said unit, and further wherein said correlated unit location specific informational data stored in said database is accessible by said user via said unit (Para. 162, lines 1-8; Para. 163, lines 1-9).

Barnes does not clearly teach the correlated location specific informational data includes at least one of electronic video data and electronic audio data in the form of a review of a local business.

Langseth teaches providing business reviews and information from a database to a mobile phone, pda, or other wireless device in the form of video files (Col. 9, lines 21-46; Col. 10, lines 1-30, 46-67; Col. 12, lines 9-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnes' location specific informational data to include the business reviews and information taught by Langseth for the purpose of aiding in the choice of a restaurant, hotel, vacation activity, etc.

Regarding claim 90, Barnes in view of Langseth teaches the unit is further adapted to receive said at least one of said electronic video data and electronic audio data in response to data requested by said user from said database, where said informational data includes world wide data, i.e. a user subscribes to the business or travel channel and receives customs and duties reports from other countries, world business daily review, etc. (Langseth- Col. 10, lines 1-30, 46-67).

4. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Langseth and further in view of Bar (US 6,456,852).

Regarding claim 87, Barnes in view of Langseth teaches all elements of claim 85.

Barnes in view of Langseth does not clearly teach the unit is adapted to automatically receive local weather data correlated with said location positioning data.

Bar teaches a mobile phone user automatically receives weather information from a server when the user enters a local area (Col. 2, lines 9-24; Col. 6, lines 5-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barnes in view of Langseth's unit to automatically receive local weather data correlated with location positioning data, as taught by Bar, for the purpose of planning travel arrangements around adverse weather.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is

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(571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

20 May 2008

JSD

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623